

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 10/617,818

REMARKS

The present invention relates to an ink for inkjet recording comprising a dye, water, a water-miscible organic solvent and a precursor of acid, and to an ink set and inkjet recording method.

In the Office Action of May 18, 2005, claims 1 and 5-9 were rejected, but claim 3 was merely objected to, with the Examiner indicating claim 3 as containing allowable subject matter, and indicating that claim 3 would be allowable if rewritten in independent form including the appropriate limitations of the base claim (claim 1) and any intervening claims (none in this case). It is also appreciated that the Examiner acknowledged that the previous response was sufficient to result in withdrawal of the earlier obviousness double patenting rejection. Claim 9 was rejected under 35 U.S.C. 112, second paragraph, with respect to the reference to “using” the ink set without positive steps delimiting how the use is practiced. Claims 1, 5, 6, 8, and 9 were rejected under 35 U.S.C. § 102(b) based on the previously cited Yano et al reference, claims 1 and 5-9 were rejected under § 102(a) based on the Omatsu reference, and claims 1, 6, and 7 were rejected under 35 U.S.C. § 103(a) based on EP 0 911 374 (EP ‘374).

In this Amendment, claim 1 has been amended to incorporate claim 3. Since claim 3 has been concluded to be allowable if placed in independent form, the incorporation of claim 3 into

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claim 1, on which claim 3 previously depended, clearly provides basis for a conclusion that independent claim 1 incorporating claim 3 is now in condition for immediate allowance.

Claim 3 has been accordingly canceled. Claim 9 has been amended to include a definite process step recitation by deleting the term “using”, and inserting a recitation to indicate a recording of the image with the inkjet printer “by jetting ink from a print head utilizing the ink according to claim 6.”. Furthermore, in view of the incorporation of claim 3 into claim 1, claims 10-14 have been added directed to preferred embodiments thereof, and claim 15 has been added directed to a preferred embodiment of claim 5. These are supported by the disclosure in the specification, e.g., at page 8, line 1 - page 10, line 11 (claims 10 - 13), page 30, line 3 (claim 14), and page 40, line 7 (claim 15). Since the new claims depend directly or indirectly on allowable independent claim 1 based on the incorporation of claim 3, and are clearly supported by the disclosure in the specification, no new issue is raised.

In view of the foregoing, Applicants respectfully submit that remaining claims 1 and 5-15 are now in condition for immediate allowance. Early favorable action is earnestly solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local Washington, D.C. telephone number listed below.

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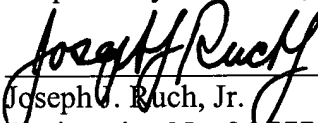
SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

Respectfully submitted,



Joseph V. Ruch, Jr.
Registration No. 26,577

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